

UNITED STATES DISTRICT COURT

for the
Western District of Washington

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
One Ground Parcel, Tracking Number
9534 6120 2904 0154 5097 02,
more fully described in Attachment A

Case No. MJ20-358

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

One Ground Parcel, Tracking Number 9534 6120 2904 0154 5097 02, more fully described in Attachment A, incorporated herein by reference.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

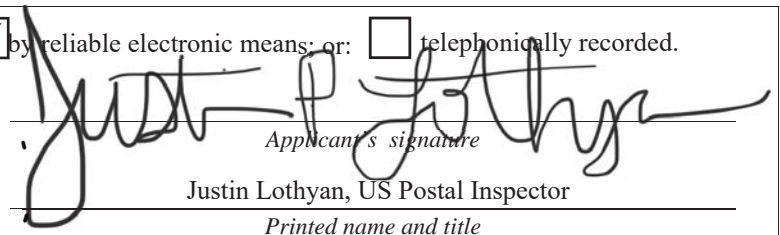
| Code Section | Offense Description |
|----------------|--------------------------------------|
| 18 U.S.C. §875 | Threats in Interstate Communications |

The application is based on these facts:

- ☒ See Affidavit of Justin Lothyan, continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: ☒ by reliable electronic means; or: ☐ telephonically recorded.


Applicant's signature
Justin Lothyan, US Postal Inspector
Printed name and title

- ☐ The foregoing affidavit was sworn to before me and signed in my presence, or
- ☒ The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: 06/18/2020


Judge's signature

City and state: Seattle, Washington

Michelle L. Peterson, United States Magistrate Judge
Printed name and title

ATTACHMENT A
Parcel to be searched

One USPS Ground parcel addressed to “Matthew Slater 11130 SE 208th Unit A204 Kent, WA 98031,” with a return address of “Matthew Slater 8420 Ashton Place NE Albuquerque, NM 87122” The SUBJECT PARCEL measures approximately 3” X 3” X 36” with a weight of approximately 4 pound, 1 ounces. The SUBJECT PARCEL is postmarked June 2, 2020, from Albuquerque, NM 87109, and carries \$17.05 in postage. The tracking number assigned to the SUBJECT PARCEL is 9534 6120 2904 0154 5097 02.

ATTACHMENT B
Items to be seized

The following items that constitute evidence, instrumentalities, or fruits of violations of Title 18, United States Code, Section 875(c):

- a. firearms and/or firearm parts;
- b. Documentary evidence relating to the purchase, sale, and/or distribution of firearm parts;
- c. Notes, letters and other items which communicate information identifying the sender and/or recipient or pertaining to the contents of the mailing;
- d. Fingerprints and/or handwriting, to identify who handled and/or mailed the package.

1 STATE OF WASHINGTON)
 2) ss
 3 COUNTY OF KING)

4 **AFFIDAVIT**

5 I, Justin P. Lothyan, being first duly sworn on oath, depose and say:

6 **BACKGROUND**

7 1. I am a United States Postal Inspector and have been employed by the U.S.
 8 Postal Inspection Service since February 2012. I am currently assigned to the Dangerous
 9 Mail Investigations (DMI) portion of the Seattle Division Headquarters Homeland
 10 Security Team, located in Seattle, Washington. I am also a member of the Joint
 11 Terrorism Task Force (JTTF) located in Seattle, Washington. I completed a twelve week
 12 Basic Inspector Training course in Potomac, Maryland, which included training in
 13 investigating financial crimes, prohibited mailings such as narcotics and drug trafficking
 14 proceeds, robbery and assault, and other Postal related crimes that involve the illegal
 15 misuse of U.S. Mail. As a Postal Inspector, I investigate criminal violations of the United
 16 States Code found in Titles 18 and 21. I have investigated mail fraud, wire fraud, bank
 17 fraud, mail theft, identity theft, drug trafficking, burglary and robbery offenses. I have
 18 also investigated dangerous and/or prohibited mailings such as firearms, suspicious
 19 powders, explosive materials, and threatening communications sent through U.S. Mail.
 20 In addition, I have attended additional suspicious substance response training, improvised
 21 explosive device recognition and response training, narcotics training, and mail fraud and
 22 money laundering trainings.

23 2. I am familiar with, and have participated in, all of the usual methods of
 24 investigation, including, but not limited to: analysis of documentary evidence,
 25 interviewing witnesses, financial investigation, visual surveillance, the questioning of
 26 subjects, the use of informants, the analysis of telephone and email records, the
 27 implementation of undercover operations, the examination of parcels that may contain
 28 dangerous or suspicious substances, and the execution of search and arrest warrants.

3. The information contained in this affidavit is based upon knowledge I gained from my investigation, my personal observations, my training and experience, and investigation by other Inspectors, agents, and officers. Because the purpose of this affidavit is limited to setting forth probable cause to search the subject parcel, I have not set forth every fact of which I am aware pertaining to the investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence, fruits and instrumentalities of violations of Interstate Communications, in violation of Title 18, United States Code, Section 875(c) (interstate threat to injure the person of another); will be found in USPS Ground Parcel No. 9534 6120 2904 0154 5097 02. This search warrant application is presented electronically pursuant to Local Criminal Rule CrR 41(d)(3).

ITEM TO BE SEARCHED

4. As set forth in Attachment A, this affidavit is made in support of an application for a search warrant for one United State Postal Service (USPS) Ground parcel, hereinafter referred to as "SUBJECT PARCEL." This parcel is believed to contain firearm parts including, but not limited to an AR-15 upper component used to complete a firearm. The SUBJECT PARCEL is a USPS Ground parcel addressed to "Matthew Slater 11130 SE 208th Unit A204 Kent, WA 98031," with a return address of "Matthew Slater 8420 Ashton Place NE Albuquerque, NM 87122." The SUBJECT PARCEL measures approximately 3" x 3" x 36" with a weight of approximately 4 pounds, 1 ounce. The SUBJECT PARCEL is postmarked June 2, 2020 from Albuquerque, NM, and carries \$17.05 in postage. The tracking number assigned to the SUBJECT PARCEL is 9534 6120 2904 0154 5097 02.

5. The SUBJECT PARCEL is currently in the custody at the United States Postal Inspection Service Headquarters, located at 301 Union St, in Seattle, Washington.

ITEMS TO BE SEIZED

6. The application requests that law enforcement officers and agents be authorized to seize the following from the SUBJECT PARCEL, which constitute the

1 fruits, instrumentalities, and evidence of threats in Interstate Communications in violation
 2 of Title 18, United States Code, Sections 875(c):

- 3 a. firearms and/or firearm parts;
- 4 b. Documentary evidence relating to the purchase, sale, and/or
 5 distribution of firearm parts;
- 6 c. Notes, letters and other items which communicate information
 7 identifying the sender and/or recipient or pertaining to the contents
 8 of the mailing;
- 9 d. Fingerprints and/or handwriting, to identify who handled and/or
 10 mailed the package.

11 THE INVESTIGATION

12 7. On May 21, 2020 at approximately 1836 hours, Kent Police Officer Lentz
 13 was dispatched to a report of suspicious circumstances and was given an address of
 14 11130 SE 208th Unit A 204, in the City of Kent, County of King, State of Washington
 15 (Kent PD Case Number 20-6624).

16 8. Officer Lentz contacted the reporting party, R.P., by phone. R.P. explained
 17 that a former co-worker, whom she identified as MATTHEW R. SLATER (SLATER)
 18 was making extremely concerning threats on his Facebook social media account page.
 19 According to R.P., SLATER was posting pictures of "AR-15's" on his page while
 20 commenting something to the effect of, "Revenge! Revenge! Revenge!" R.P. contacted
 21 the Kent Police Department due to the fact that SLATER resided within the City of Kent
 22 at the Kent address.

23 9. I know through my training and experience as a firearms instructor and
 24 armorer for the U.S. Postal Inspection Service that an AR-15 is a civilian version of an
 25 assault-style rifle originally developed for the U.S. military. AR-15s are capable of
 26 accepting high-capacity magazines.

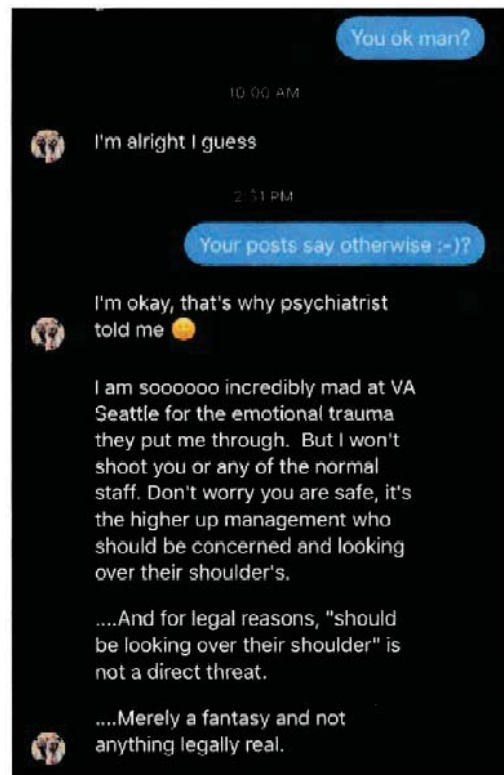
27 10. R.P. further explained that SLATER was employed as a pharmacist with
 28 the Department Of Veteran Affairs located in Seattle, WA. SLATER had been arrested

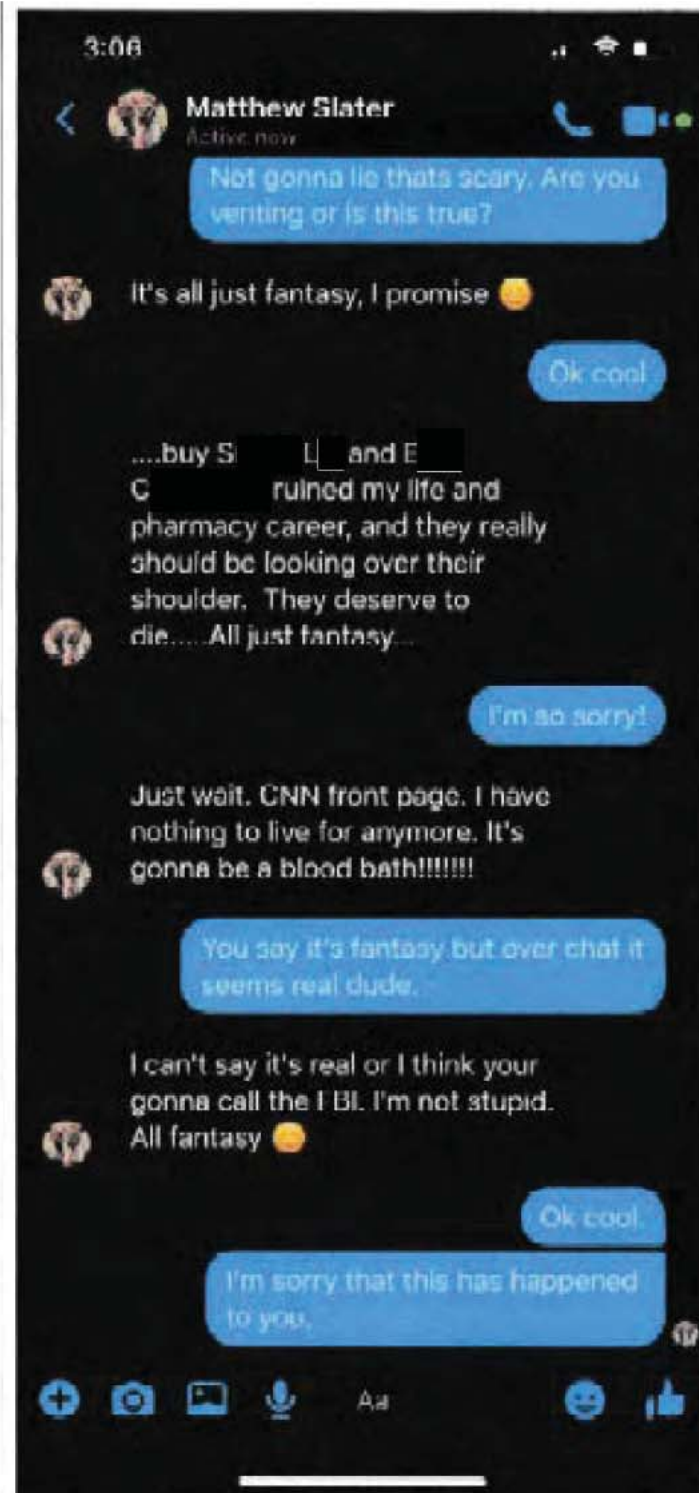
twice in September for DUI and his co-workers had reported the incidents to his supervisors. This resulted in SLATER being demoted and placed on administrative leave in January of 2020.

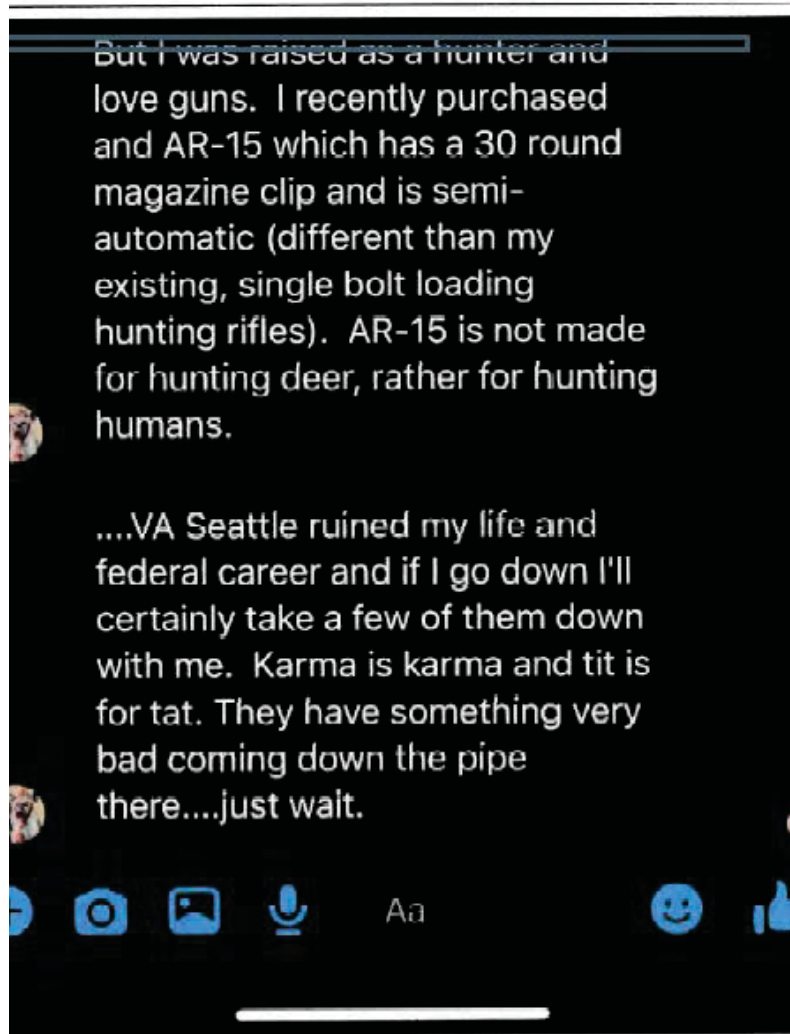
11. R.P. stated that she had reached out to SLATER via Facebook messenger and asked him if he was doing okay. SLATER messaged her back saying something to the effect of, "It's come down to the fact that I have purchased an AR-15 for \$1.5k, to kill myself and take down any douchebags at the VA."

12. R.P. stated the Facebook posts had been deleted from SLATER's profile, but that she had copied the posts and had sent them to SLATER's mother.

13. Officer Lentz received information that a current co-worker of SLATER, K.F., had exchanged texts with SLATER in which he had identified two persons that worked at the VA that he, in his words, fantasized about killing. (See screen grabs of the text messages between K.F. and SLATER below – the names of the VA employees threatened have been redacted to protect their privacy throughout this affidavit).







14. R.F. stated SLATER was currently staying with his mother, Nancy Slater, in Albuquerque, New Mexico, and provided Officer Lentz with her contact information. Officer Lentz contacted Nancy by phone and spoke to her about her son. Nancy explained that SLATER was suffering from severe depression and had been abusing alcohol. She also explained that SLATER had stated he had purchased a rifle. When asked why, he had replied “I got it for myself”, which she believed he meant to commit suicide.

15. Nancy forwarded the Facebook posts to Officer Lentz, which are enclosed below:

5/19/20 @ 1900: Matthew Slater's FB Post

16. On May 26, 2020, Detective John Crane was assigned to the case for further investigation. As part of his investigation, Detective Crane also spoke with SLATER's mother, as well as the prosecutor's office and law enforcement officers in Albuquerque, New Mexico, and learned the following:

17. On May 22, 2020 the Albuquerque Police Department responded to a report of a suicidal and homicidal man that may have purchased a firearm. Police responded to the home of Nancy Slater and contacted her son, SLATER. Nancy had reported that SLATER had made statements of killing himself and persons he had worked with at the VA.

1 18. Detective Crane learned that SLATER had been taken to the hospital and
2 committed there for evaluation.

3 19. SLATER had posted on Facebook on or about May 19, 2020 that he had
4 been raised as a hunter and loved guns, as well as the statements of purchasing an AR-15
5 which was “for hunting humans”.

6 20. On 5/29/2020, Detective Crane contacted SLATER’s mother, Nancy, and
7 interviewed her. Nancy confirmed that she currently lives in Albuquerque, New Mexico.
8 Nancy stated that she had flown up to Seattle to stay with SLATER from January until
9 approximately March, due to his apparent issues with depression and alcohol. She and
10 SLATER later flew back to her residence located in Albuquerque, New Mexico, where
11 SLATER had been residing with her since they returned in March. SLATER’s
12 threatening online posts occurred while he was residing with his mother in Albuquerque,
13 New Mexico.

14 21. Nancy stated that SLATER was still at the hospital for in-patient treatment.
15 She also stated that SLATER had not been raised around firearms, had not been in the
16 military, and as far as she knew, had never owned firearms. He had only recently made
17 statements about buying a firearm.

18 22. Detective Crane contacted Detective Romero of the Albuquerque Police
19 Department, who had been assigned to a Crisis Team there to contact and interview
20 SLATER. Detective Romero stated he had interviewed SLATER and had spoken with
21 him at length. SLATER had apparently been open and willing to answer questions until
22 asked specifically about firearms. At that point, SLATER stated he thought he should
23 speak to an attorney, then stated that he did not have any firearms.

24 23. Detective Crane located SLATER’s Facebook page, which showed photos
25 of SLATER, areas of the City of Kent, and posts that confirmed he was the same
26 MATTHEW SLATER. All of the posts and photos referenced by witnesses appeared to
27 have been deleted, as they were no longer located on SLATER’s Facebook page.
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1 24. According to Sergeant Timothy Petoskey of the Veteran Affairs Police
2 Department, the two employees with the VA that had been named by SLATER were in
3 great fear of him, causing them both to file for Protection Orders against him. Sergeant
4 Petoskey also stated that the entire Seattle VA Campus had been put on high alert due to
5 the threats made by SLATER.

6 **Temporary Extreme Risk Protection Order (ERPO)**

7 25. On May 28, 2020, the U.S. Department of Veterans Affairs Police
8 petitioned King County Superior Court and was granted a Temporary Extreme Risk
9 Protection Order (ERPO) that required SLATER to not have access, possession, or
10 purchase any firearms, (20-2-09372-6 SEA). The full ERPO hearing was set for June 9,
11 2020 in King County Superior Court.

12 26. On May 29, 2020, Detective Romero of the Albuquerque Police
13 Department successfully served SLATER with the Temporary ERPO and ERPO petition
14 while SLATER was still at the hospital. The Temporary ERPO required SLATER to turn
15 over all firearms; and for SLATER to have no access to, possession of or be allowed to
16 purchase any firearms. The Temporary ERPO order also required SLATER to surrender
17 any concealed pistol licenses. SLATER initially denied having any firearms and then
18 later claimed that he should speak to an attorney when asked about pistol purchases.
19 SLATER was released from the hospital later that same day.

20 27. After May 29, 2020, SLATER reached out to the general ERPO inbox for
21 the King County Prosecuting Attorney's Office and asked questions about the ERPO
22 order. Specifically, he wanted to know if he was required to turn over ammunition. He
23 also claimed that he would be returning to Washington State on June 3, 2020, and would
24 make arrangements with Kent PD to surrender his firearms on June 4th or 5th.

25 28. On June 3, 2020, SLATER did not get on the return flight from
26 Albuquerque to Seattle. SLATER had booked a flight home to attend the ERPO hearing
27 scheduled for June 9, 2020. Detective Crane received a call from SLATER's mother,
28 stating that another flight was being arranged. SLATER was instructed to call Kent PD

1 or the VA Police Department to immediately discuss how he can surrender his firearms.
2 To date, SLATER has not called directly to discuss how or when he will surrender his
3 firearms.

4 29. SLATER corresponded with a friend at the VA via Facebook Messenger
5 and spoke directly about having firearms and the Protection Order. SLATER concluded
6 with the following statements:

7 “My mom knows I collect guns. I have multiple pistols, hunting rifles and an AR-15.”

8 “They’re trying to make me turn in all my firearms when I get back to Seattle.”

9 “don’t regret getting this kind of reaction”

10 “I didn’t actually carry out any mass shooting”

11 Screen captures of the posts are below:

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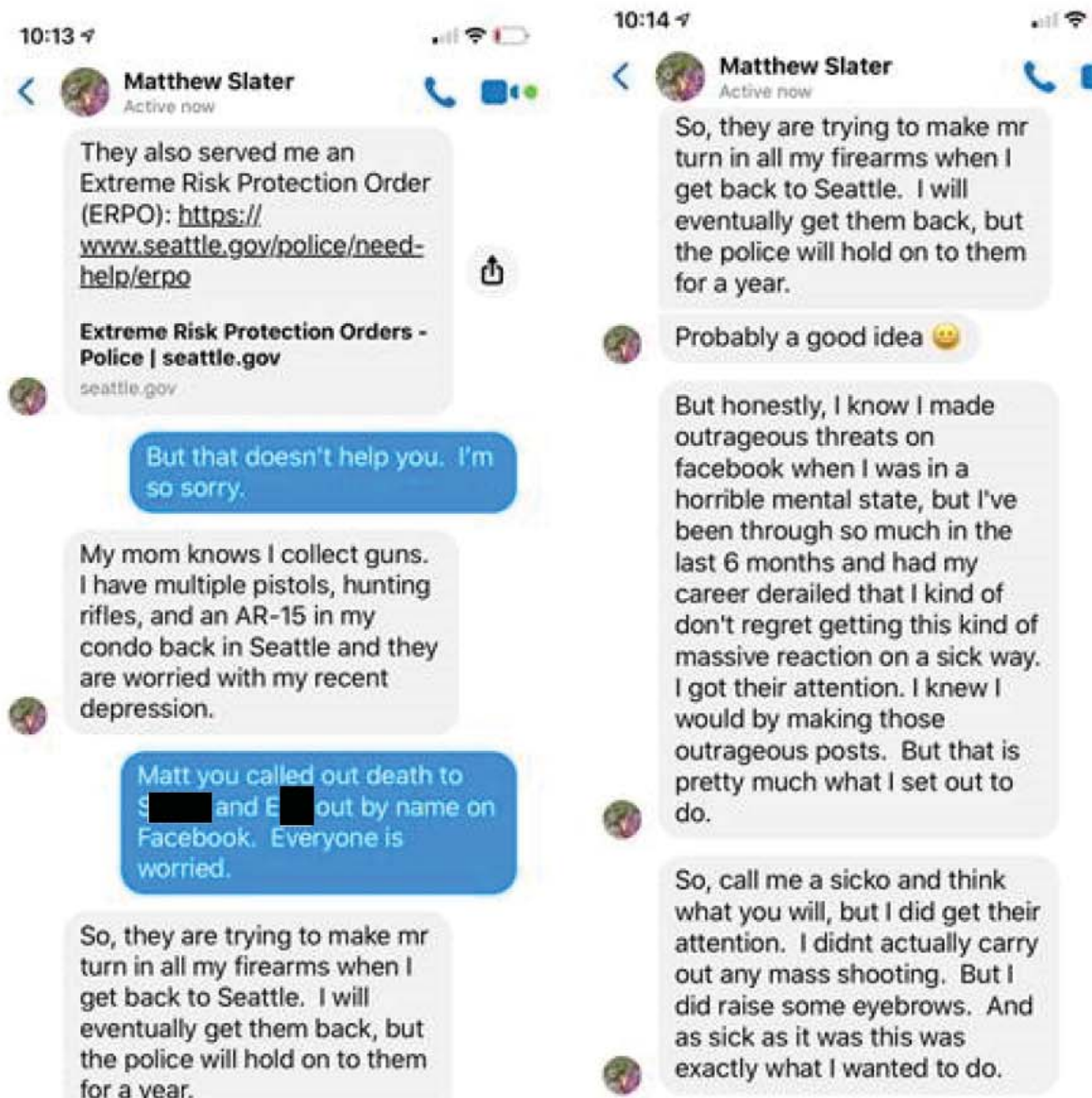
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30. Detective Crane consulted with the Bureau of Alcohol, Tobacco and Firearms (ATF) and learned that there was no record or information of SLATER owning any firearms. However, according to the ATF the records of firearm purchases are backlogged almost a year.

Purchase of Firearm Parts

31. On June 5, 2020, Detective Crane emailed me a copy of a receipt from the Los Ranchos Gun Shop located at 6542 4th St NW, Albuquerque, New Mexico 87107.

1 After reviewing the receipt, I learned that a purchase was made on June 1, 2020 for a
2 number of AR-15 rifle components including: an Anderson AOR 5.56 NATO/.223 Rem
3 AR-15 Complete Upper, Anderson AR-15 Carbine Buffer Tube Kit, Anderson AR-15,
4 and Anderson Lower Receiver Parts Kit. Furthermore, I learned that the purchase was
5 made with a Capital One Visa credit card ending in 4954, and the cardholder listed on the
6 receipt was "SLATER/MATTHEW." A customer loyalty name of "MATTHEW
7 SLATER" was also listed on the receipt.

8 32. Detective Crane also emailed a second receipt of purchase from the
9 Calibers Gun Shop on June 3, 2020. The Calibers receipt was itemized and included
10 additional gun parts including a hand guard, grip and four 30 round 5.56mm magazines.
11 According to that receipt, the purchase was made with a Visa credit card ending in 4954
12 and a customer name of "MATTHEW SLATER."

13 33. Again, I know through my training and experience as a firearms instructor
14 and armorer for the U.S. Postal Inspection Service that modern firearms such as "AR-15"
15 weapons are very modular, and can be purchased in parts and assembled very easily
16 using online tutorials or using a manufacturer's guide. I also know that people who are
17 prohibited from owning or possessing a firearm can buy many of the components of an
18 AR-15 style firearm, and assemble them to make a working firearm in violation of the
19 terms of ERPO orders or other court orders.

20 **Arrest Warrant Issued**

21 34. The gun shop receipts and USPS shipping receipt were given voluntarily by
22 SLATER to Detective Romero of the Albuquerque Police Department on June 3, 2020.
23 Detective Romero emailed the receipts to Detective Crane, who in turn notified the King
24 County Prosecutor's Office of SLATER's purchase of gun parts.

25 35. On or about June 3, 2020, SLATER was charged in the King County
26 Superior Court with the crime of "Cyberstalking – Felony" under case number 20-1-
27 05076-4SEA. The arrest warrant fixed the bail of the defendant at \$250,000 cash or
28 approved surety bond; and further directed no contact either directly or indirectly with

1 victims S.L. or E.C., who are VA employees specifically mentioned in the threatening
2 communications. The arrest warrant allowed extradition in all 50 states.

3 36. On June 4, 2020, Slater was arrested at an Albuquerque airport on the King
4 County Superior Court warrant by New Mexico law enforcement. To date, SLATER is
5 awaiting extradition to Washington State for his initial appearance.

6 **Use of the U.S. Mails to Further Threatening Communications**

7 37. On June 5, 2020, Detective Crane emailed me a United States Postal
8 Service (USPS) shipping receipt, which was dated June 2, 2020. The USPS shipping
9 receipt was itemized and included the purchase of a 3" X 36" shipping cube, packing tape
10 and USPS Ground postage in the amount of \$17.05 with USPS Tracking Number 9534
11 6120 2904 0154 5097 02. In addition, according to the USPS receipt and USPS internal
12 financial records, the postage and shipping supplies were purchased with a Capital One
13 Visa credit card ending in 4954, and mailed from the Academy Station Post Office
14 located in Albuquerque, New Mexico 87122.

15 38. Using the tracking number on the receipt, I searched USPS databases and
16 discovered that the SUBJECT PARCEL had an anticipatory delivery date of June 8,
17 2020. At my direction, Postal Inspection Service Analyst On Choi contacted a
18 supervisors at the Kent Main Post Office, and requested that the SUBJECT PARCEL be
19 held for Postal Inspectors when it arrived.

20 39. On June 8, 2020, I intercepted the SUBJECT PARCEL at the Kent Post
21 Office located at 10612 SE 240th St, Kent, WA 98031.


22 40. Using USPS and law enforcement databases, I researched the sender name
23 and address listed on the SUBJECT PARCEL. I learned that the address "8420 Ashton
24 Place NE Albuquerque, NM 87122" is in fact a true and deliverable address. I also
25 learned that Matthew SLATER has not associated with the address since approximately
26 July 2011, but John and Nancy Slater currently do associate with the address.

27 41. Using USPS and law enforcement databases, I also researched the recipient
28 address. I learned that the address "11130 SE 208th Unit A 204 Kent, WA 98031" is a

1 true and deliverable address. I also learned that the name Matthew Slater does associate
2 with the address.

3 CONCLUSION

4 42. Based on the facts set forth in this Affidavit, I respectfully submit that there
5 is probable cause to believe that the SUBJECT PARCEL contains firearms and/or
6 firearms parts, documents, or other evidence, more fully identified in Attachment B. I
7 further respectfully submit that those parts are evidence and instrumentalities for the
8 offense of interstate communication of threats of violence, in violation of Title 18, United
9 States Code, Section 875(c) (threat to injure the person of another).

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JUSTIN P. LOTHYAN
U.S. Postal Inspector, USPIS

15 The above-named agent provided a sworn statement attesting to the truth of the
16 contents of the foregoing affidavit on 18th day of June, 2020.

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THE HON. MICHELLE L. PETERSON
United States Magistrate Judge